

**S/N 09/328,085**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Lenny Wong et al.

Examiner: Curtis Cohen

Serial No.: 09/328,085

Group Art Unit: 3634

Filed: June 8, 1999

Docket: 1261.002US1

Title: WINDOW SASH POSITION MAINTAINER

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**REVOCATION AND POWER OF ATTORNEY**  
**CERTIFICATE UNDER 37 CFR §3.73(b)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

In accordance with 37 C.F.R. Section 1.36, M.P.E.P. Section 402.05 and 402.07, please revoke any existing Powers of Attorney, if any, and appoint the following attorneys and/or patent agents to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith:

Anglin, J. Michael	Reg. No. 24,916	Lemaire, Charles A.	Reg. No. 36,198
Bianchi, Timothy E.	Reg. No. 39,610	Litman, Mark A.	Reg. No. 26,390
Billion, Richard E.	Reg. No. 32,836	Lundberg, Steven W.	Reg. No. 30,568
Black, David W.	Reg. No. 42,331	Mack, Lisa K.	Reg. No. 42,825
Brennan, Leoniede M.	Reg. No. 35,832	Maki, Peter C.	Reg. No. 42,832
Brennan, Thomas F.	Reg. No. 35,075	Malen, Peter L.	Reg. No. 44,894
Brooks, Edward J., III	Reg. No. 40,925	Mates, Robert E.	Reg. No. 35,271
Chu, Dinh C.P.	Reg. No. 41,676	McCrackin, Ann M.	Reg. No. 42,858
Clark, Barbara J.	Reg. No. 38,107	Nama, Kash	Reg. No. 44,255
Dahl, John M.	Reg. No. 44,639	Nelson, Albin J.	Reg. No. 28,650
Drake, Eduardo E.	Reg. No. 40,594	Nielsen, Walter W.	Reg. No. 25,539
Eliseeva, Maria M.	Reg. No. 43,328	Oh, Allen J.	Reg. No. 42,047
Embretson, Janet E.	Reg. No. 39,665	Padys, Danny J.	Reg. No. 35,635
Fordenbacher, Paul J.	Reg. No. 42,546	Parker, J. Kevin	Reg. No. 33,024
Forrest, Bradley A.	Reg. No. 30,837	Perdok, Monique M.	Reg. No. 42,989
Harris, Robert J.	Reg. No. 37,346	Prout, William F.	Reg. No. 33,995
Huebsch, Joseph C.	Reg. No. 42,673	Schumm, Sherry W.	Reg. No. 39,422
Jurkovich, Patti J.	Reg. No. 44,813	Schwegman, Micheal L.	Reg. No. 25,816
Kalis, Janal M.	Reg. No. 37,650	Smith, Michael G.	Reg. No. P-45,368
Kaufmann, John D.	Reg. No. 24,017	Speier, Gary J.	Reg. No. P-45,458
Klima-Silberg, Catherine I.	Reg. No. 40,052	Steffey, Charles E.	Reg. No. 25,179
Kluth, Daniel J.	Reg. No. 32,146	Terry, Kathleen R.	Reg. No. 31,884
Lacy, Rodney L.	Reg. No. 41,136	Viksnins, Ann S.	Reg. No. 37,748
Leffert, Thomas W.	Reg. No. 40,697	Woessner, Warren D.	Reg. No. 30,440

**CERTIFICATE UNDER 37 CFR §3.73(b)**

Marvin Lumber and Cedar Company hereby certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors signed October 12, 1998, and filed with the U.S. Patent and Trademark Office on June 8, 1999. A copy of said assignment is attached hereto. To the best of my knowledge and belief, title is in Marvin Lumber and Cedar Company, the assignee.

Pursuant to 37 C.F.R. §3.73(b) I hereby declare that I, ELLIOT J LARSON, am empowered to sign this certificate on behalf of Marvin Lumber and Cedar Company.

I hereby declare that all statement made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true.

Please direct all correspondence in this case to:

Schwegman, Lundberg, Woessner & Kluth, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
Telephone No. (612)373-6900

Date: JUNE 2, 2000

By

EJ Larson

Name

ELLIOT J LARSON

Title

CFO & SECRETARY

RECORDATION FORM COVER SHEET  
PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks:  
Please record the attached original document(s) or copy thereof.

1. Name of conveying party(ies):

Lenny Wong  
Leslie B. Hendrickson

2. Name and address of receiving party(ies):

Name: Marvin Lumber and Cedar Co.

Internal Address: \_\_\_\_\_

Street Address: Highway 11 West, Box 100

City: Warroad State: Minnesota ZIP: 56763

Additional name(s) & addresses attached?

☐ Yes ☒ No

Additional name(s) of conveying party(ies)

attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: October 12, 1998

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: October 9, 1998

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence  
concerning document should be mailed:

Name: Lawrence M. Nawrocki

Address: NAWROCKI, ROONEY & SIVERTSON, P.A.  
3433 Broadway Street N.E., Suite 401  
Minneapolis, MN 55413

6. Total number of applications and patents  
involved: 1

7. Total fee (37 CFR 3.41). \$40.00

☒ Enclosed

☐ Authorized to be charged to deposit  
account

8. Deposit Account Number: \_\_\_\_\_

(Attach duplicate copy of this page if  
paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is  
a true copy of the original document.

Lawrence M. Nawrocki

Name of Person Signing

Lawrence M. Nawrocki  
Signature

June 8, 1999  
Date

Total number of pages comprising cover sheet, attachments and document: 3

OMB No. 0651-0011 (exp. 4/94)

17068/120/101

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks  
Box Assignments  
Washington, D.C. 20231

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project (0651-0011), Washington, D.C. 20503.

### ASSIGNMENT

WHEREAS, Lenny Wong, residing at 206 Garfield Street S.E., Apartment 15, Warroad, Minnesota 56763, and Leslie B. Hendrickson, residing at R.R. 2, Box 190, Roseau, Minnesota 56751, have made certain new and useful inventions and improvements for which they have executed an application for Letters Patent of the United States, which is entitled WINDOW SASH POSITION MAINTAINER, filed of even date herewith.

AND WHEREAS, Marvin Lumber and Cedar Co., a corporation organized and existing under and by virtue of the laws of the State of Minnesota, and having a business address of Highway 11 West, Box 100, Warroad, Minnesota 56763, is desirous of acquiring the entire right, title and interest in and to said inventions, improvements, application, and Letters Patent to be obtained therefor;

NOW, THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, Lenny Wong and Leslie B. Hendrickson have sold, assigned and transferred, and by these presents do sell, assign and transfer unto said Marvin Lumber and Cedar Co., its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the said application, all divisions, continuations, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which shall be filed in any foreign countries for Letters Patent on the said inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and Lenny Wong and Leslie B. Hendrickson do hereby authorize and request the Commissioner of Patents to issue any and all United States Letters Patent for the aforesaid inventions and improvements to said Marvin Lumber and Cedar Co., its successors and assigns.

AND, for the consideration aforesaid, Lenny Wong and Leslie B. Hendrickson do hereby agree that their executors and legal representatives will make, execute and deliver any and all other instruments in writing including any other documents, and will communicate to said Marvin Lumber and Cedar Co., its successors and representatives all facts known to us relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable to more effectually secure to and vest in Marvin Lumber and Cedar Co., its successors or assigns the entire right, title and interest in and to the said improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore, Lenny Wong and Leslie B. Hendrickson, covenant and agree with said Marvin Lumber and Cedar Co., its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by Lenny Wong and Leslie B. Hendrickson and that full right to convey the same as herein expressed is possessed by Lenny Wong and Leslie B. Hendrickson.

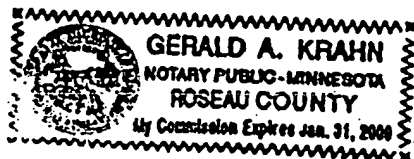
The parties hereto acknowledge that they have specifically requested the present agreement to be drawn up in the English language.

IN TESTIMONY WHEREOF, I, have hereunto set my hand this 12 day of Oct, 1998.

Lenny Wong  
Lenny Wong

STATE OF MINNESOTA )  
COUNTY OF Roseau ) ss.

On this 12 day of OCT, 1998 before me personally appeared Lenny Wong, to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.



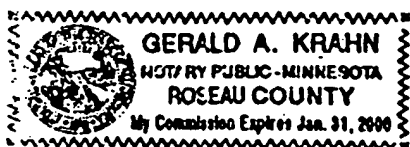
Gerald Krahn  
Notary Public

IN TESTIMONY WHEREOF, I, have hereunto set my hand this 12 day of Oct, 1998.

Leslie B. Hendrickson  
Leslie B. Hendrickson

STATE OF MINNESOTA )  
COUNTY OF ) ss.

On this 12 day of OCT, 1998 before me personally appeared Leslie B. Hendrickson, to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.



Gerald Krahn  
Notary Public

\*OC000000005180173\*



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/328,085	06/08/1999	LENNY WONG	1261.002US1

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402

Date Mailed: 06/15/2000

### NOTICE REGARDING POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/09/2000.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

*Begina Malun*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

ATTORNEY/APPLICANT COPY

Schwegman, Lundberg,  
Woessner & Kluth, P.A.

JUN 19 2000

RECEIVED

COMBINED DECLARATION/POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled WINDOW SASH POSITION MAINTAINER, the specification of which (check one)

XX is attached hereto

\_\_\_ was filed on \_\_\_\_\_  
as U.S. Application  
Serial No. \_\_\_\_\_

\_\_\_ and was amended on (if  
applicable) \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefit(s) under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ YES	_____ NO
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ YES	_____ NO
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ YES	_____ NO

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I

acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
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(Serial No.)	(Filing Date)	(Status-patented, pending, abandoned)
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**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

John L. Rooney, Reg. No. 28,898;  
Lawrence M. Nawrocki, Reg. No. 29,333;  
Wayne A. Sivertson, Reg. No. 25,645;  
Erik O. Berger, Reg. No. P42,315; and  
Donald A. Jacobson, Reg. No. 22,308

Send correspondence to:

Lawrence M. Nawrocki  
NAWROCKI, ROONEY & SIVERTSON, P.A.  
Suite 401, Broadway Place East  
3433 Broadway Street Northeast  
Minneapolis, Minnesota 55413  
(612) 331-1464

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon, I further declare that I understand the content of this declaration.

Full name of sole or first inventor Lenny Wong  
Inventor's Signature Lenny Wong Date 10/4/98  
Residence 206 Garfield Street S.E., Apartment 15  
Warroad, Minnesota 56763 Citizenship U.S.A.  
Post Office Address 206 Garfield Street S.E., Apartment 15  
Warroad, Minnesota 56763

Full name of second or joint inventor Leslie B. Hendrickson  
Inventor's Signature Leslie B. Hendrickson Date 10-4-98  
Residence R.R. 2, Box 190, Roseau, Minnesota 56751  
Roseau, Minnesota 56751 Citizenship U.S.A.  
Post Office Address R.R. 2, Box 190  
Roseau, Minnesota 56751



1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

- (i) Opposing an argument of unpatentability relied on by the Office, or
- (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.